

REQUIRES MONITORING  
OR STAFF ACTION \_\_\_\_\_

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>January 10, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2005-188-C -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		_____

**SUBJECT:**

DOCKET NO. 2005-188-C - Petition of MCImetro Access Transmission Services, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Horry Telephone Cooperative, Incorporated Concerning Interconnection and Resale under the Telecommunications Act of 1996 – Discuss this Matter with the Commission.

**COMMISSION ACTION:**

Move that the Commission adopt the following resolutions of the issues in controversy. My motion is grouped into Topics and Issues in the same way the parties organized their briefing to the Commission:

**Topic 1: Direct vs. Indirect Service (Issues 2, 4(a), 7 and 9)**

**As to Issue 2:** End users should be defined as only the end user directly served by the Parties to the contract.

**As to Issue 4(a):** The scope of this agreement includes only service provided directly to end users of MCI.

**As to Issue 7:** This contract term “directly provided” is needed to provide certainty to the parties that third party traffic is not included within the scope of this agreement.

**As to Issue 9:** Parties must be providing service directly to the end users to port numbers, because current FCC rules require only service provider portability.

**Topic 2 – ISP-Bound Traffic and Virtual NXX (Issues 3, 4(b) and 5)**

**As to Issue 3:** ISP traffic is considered to be an enhanced service by the FCC and therefore is under FCC jurisdiction. However, the FCC considers ISP-bound traffic to be a unique subset of ESP traffic and applies the same logic to ISP-bound traffic that it applies to non-ESP traffic for Inter-carrier compensation. Therefore, when the ISP is not physically located within the LATA where the call originates, the traffic is not subject to reciprocal compensation.

**As to Issue 4(b):** For purposes of this agreement, MCI should have to provide service only to End Users physically located in the same LATA.

**As to Issue 5:** All intraLATA traffic should be exchanged on a bill and keep basis.

**Topic 3 – Reciprocal Compensation Rate (Issue 10)**

**As to Issue 10:** This issue was not brought up during the negotiations, therefore it is not properly before us at this time. Accordingly, we decline to address it.

**Topic 4: Calling Party Identification (CPN and JIP) (Issues 1, 6, and 8)**

**As to Issues 1, 6 & 8:** In addition to CPN, companies should be required to provide JIP where it is 1) technologically and 2) economically feasible as defined by not being a barrier to entry. Unidentified traffic will be prorated by jurisdiction according to the identified traffic.

PRESIDING

Mitchell

Session: Regular

MOTION

YES

NO

OTHER

Time of Session 2:30 PM

CLYBURN

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FLEMING

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HAMILTON

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HOWARD

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MITCHELL

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MOSELEY

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WRIGHT

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APPROVED \_\_\_\_\_

APPROVED STC 30 DAYS \_\_\_\_\_

ACCEPTED FOR FILING \_\_\_\_\_

DENIED \_\_\_\_\_

AMENDED \_\_\_\_\_

TRANSFERRED \_\_\_\_\_

SUSPENDED \_\_\_\_\_

CANCELED \_\_\_\_\_

SET FOR HEARING \_\_\_\_\_

ADVISED \_\_\_\_\_

CARRIED OVER \_\_\_\_\_

RECORDED BY SCHMIEDING